

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
\$21,461.00 IN U.S. CURRENCY,	§	
Defendant in rem	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against approximately \$21,461.00 in United States currency, Defendant in rem, and alleges the following.

Nature of the Action

1. This is an action to forfeit property to the United States pursuant to 31 U.S.C. §5317(c)(2).

Defendant in Rem

2. Defendant in rem is approximately \$21,461.00 in United States currency that was seized at the George Bush Intercontinental Airport in Houston, Texas, from Bertha Flores-Saldana and Juan Aliaga on December 31, 2009.

Jurisdiction and Venue

3. This Court has jurisdiction under 28 U.S.C. §1355 because this is an action for forfeiture.

4. Venue is proper in this Court under 28 U.S.C. §§ 1355 and 1395(a) and (b) because the acts or omissions giving rise to the forfeiture occurred in the Southern District of Texas, the property was found and is located in the Southern District of Texas, and this forfeiture action accrued in the Southern District of Texas.

Basis for Forfeiture

5. The Defendant in rem is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2) which provides that any property involved in violations of 31 U.S.C. §§ 5316 and 5324(c) may be forfeited to the United States. Under 31 U.S.C. § 5316(a)(1)(A), a person shall file a report when the person knowingly transports, is about to transport, or has transported a monetary instrument of more than \$10,000 out of the United States. Under 31 U.S.C. § 5324(c)(1) no person shall, for the purpose of evading the reporting requirements of section 5316, fail to file a report required by section 5316 and/or file a report required by 31 U.S.C. § 5316 that contains a material omission or misstatement of fact. United States currency is a monetary instrument under 31 U.S.C. §5312(a)(3)(A).

Facts

6. On December 31, 2009, Bertha Flores-Saldana, wife, Juan Aliaga, husband, and their son were about to leave the United States aboard Continental Airlines flight number 590 to Lima, Peru, at the George Bush Intercontinental Airport in Houston, Texas. On the jetway, a United States Customs and Border Protection Officer (CBP Officer) conducted a Customs outbound inspection. The CBP Officer asked Bertha Flores-Saldana, wife, and Juan Aliaga, husband, if they, as a family, were transporting more than \$10,000 in cash or monetary instruments for themselves or others. Bertha Flores-Saldana stated verbally and in writing that they were carrying \$7,000.00.

7. As part of a currency verification procedure, CBP Officer directed Bertha Flores-Saldana and Juan Aliaga to place their money on an inspection table. Bertha Flores-Saldana removed approximately \$900.00 from her purse. Juan Aliaga removed approximately \$10,000.00 from his right front pocket. He also removed approximately \$10,000.00 from his left front pocket. After a count by the CBP officers, it was determined that Bertha Flores-Saldana and Juan Aliaga were transportation approximately \$21,461.00. A CBP Officer found that Bertha Flores-Saldana and Juan Aliaga had a receipt from a Chase Bank, Airline branch office, dated December 31, 2009, for a cash withdrawal of \$12,000.00 from a checking account. This receipt was time stamped just four hours prior to the

scheduled flight to Lima, Peru. The CBP Officers seized \$21,461.00 for forfeiture.

Relief Requested

8. Plaintiff requests an arrest warrant and summons pursuant to Rule G(5), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, a judgment of forfeiture, costs and other relief.

Dated: March 26, 2010.

Respectfully submitted,

José Angel Moreno
United States Attorney

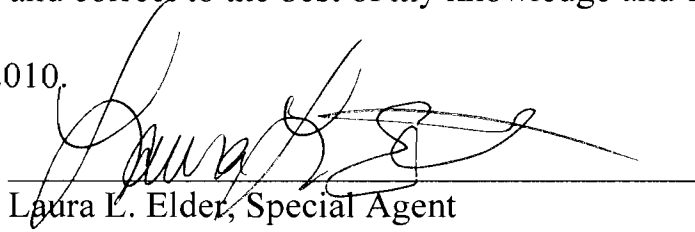
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VERIFICATION

I, Laura L. Elder, Special Agent, United States Immigration and Customs Enforcement, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read this Verified Complaint for Forfeiture in Rem, and the facts stated

in this complaint are true and correct to the best of my knowledge and belief.

Executed on March 26, 2010.



Laura L. Elder, Special Agent
U. S. Immigration and Customs Enforcement